

UNITED STATES BANKRUPTCY COURT

FOR THE

**EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

DAWN C STEWART

Debtor

Chapter 13

Case No. 19-10429-KHK

OBJECTION TO CONFIRMATION OF PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Chapter 13 Plan filed March 11, 2019. The cause for this objection is as follows:

Violation of 11 U.S.C. §1325(b)(1)(B) - Disposable Income.

- Below median Debtor deducts \$2,182.00 per month for mortgage; Proof of Claim says it is \$2,120.22 per month.

Violation of 11 U.S.C. §1325(a)(4) - Liquidation Test.

- Debtor values her Arlington condominium at \$433,800.00 on Schedule A and the mortgages at \$343,453.00 on Schedule D. Trustee questions Debtor's methodology in arriving at the value. Zillow values at \$530,906.00. Using Zillow value creditors would receive more than the 0.2% (two-tenths of a percent) proposed under this Plan.

Violation of 11 U.S.C. §1325(a)(6) - Feasibility.

- Debtor's Schedule I Line 8(c) lists \$6,430.00 per month of income which apparently includes \$1,200.00 of rent that Debtor cannot document and which the HOA asserts is violative of thier covenants.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

Notice of Objection To Confirmation

Dawn C Stewart, Case # 19-10429-KHK

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

Attend the hearing to be held on April 25, 2019 at 9:30 a.m., in Courtroom III on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste, 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: April 5, 2019

/s/Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

Notice of Objection To Confirmation

Dawn C Stewart, Case # 19-10429-KHK

CERTIFICATE OF SERVICE

I hereby certify that I have this 5th day of April, 2019, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Dawn C Stewart
Chapter 13 Debtor
1600 N Oak St, Apt. 1216
Arlington, VA 22209-2756

Neil S. Welles, Esq.
Attorney for Debtor
The Lilly Law Group, PC
10195 Main Street, Suite I
Fairfax, VA 22031

/s/ Thomas P. Gorman
Thomas P. Gorman